

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

D/F

X

CAROLE SABBETH, individually and as
a member and on behalf of FUTURE 1st LLC.,

Plaintiff,

-against-

ORDER
CV 07-1960 (SJF)(ARL)

PATRICIA MANDARINO, FRANK
MANDARINO and ANGEL GUARD, LLC.,

Defendants.

X

FEUERSTEIN, J.

On August 4, 2009, United States Magistrate Judge Arlene R. Lindsay issued a Report and Recommendation (the "Report") recommending that the case be dismissed based upon the plaintiffs' repeated failures to comply with court orders and their failure to prosecute. See Fed. R. Civ. P. 41(b). No objections have been filed to the Report. For the reasons stated herein, the Report is accepted in its entirety.

I. Discussion

Rule 72 of the Federal Rules of Civil Procedure permits magistrate judges to conduct proceedings on dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed de novo. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b); Baptichon v. Nevada State Bank, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), affd, 125 F. App'x. 374 (2d Cir. 2005); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No objections have been filed to Magistrate Judge Lindsay's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts and adopts Magistrate Judge Lindsay's Report as an Order of the Court.

II. Conclusion

For the foregoing reasons, the Report is accepted in its entirety and the case is dismissed.

The Clerk of Court is directed to close this case and service notice of entry of this Order on all parties in accordance with Rule 77(d)(1) of the Federal Rules of Civil Procedure, including mailing a copy of the Order to the *pro se* parties at their last known address. See Fed. R. Civ. P. 5(b)(2)(C).

SO ORDERED.

SANDRA J. FEUERSTEIN
United States District Judge

Dated: August 26, 2009
Central Islip, New York

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